

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-10/09-531
)
 Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Office of Vermont Health Access (OVHA) that he needs to enroll in Employer Sponsored Insured Premium Assistance (ESIA). The issue is whether OVHA has properly applied the VHAP-ESIA regulations.

The decision is based on the evidence adduced at hearing.

FINDINGS OF FACT

1. The petitioner is a one person household.
- Petitioner is employed.
2. On or about July 2009, petitioner was employed approximately thirteen hours per week and receiving partial unemployment compensation.
3. T.B. is a benefits program specialist employed by the Health Access Eligibility Unit (HAEU). She explained that they do not look at employer sponsored health insurance for individuals who work less than twenty hours per week

because employer sponsored health insurance is not normally available to those individuals.

4. Based on the July information, petitioner was found eligible for CHAP coverage because his countable income exceeded 185 percent of the federal poverty level (FPL). Petitioner was assessed a \$60 per month premium. His plan included a \$250 per year deductible and a \$10 co-pay.

5. T.B. testified that petitioner's budget was updated on or about September 18, 2009. Petitioner's budget showed that he was working thirty to thirty-five hours per week and no longer receiving partial unemployment compensation, but that his income was below 185 percent of the FPL. According to T.B., they needed to look at whether petitioner should switch to VHAP-ESIA.

6. Petitioner's employer completed a Health Insurance Plan Information Request on or about September 28, 2009. The employer has private insurance available to petitioner.

7. OVHA sent petitioner a Notice of Decision on September 30, 2009 indicating that petitioner is eligible for ESIA. Petitioner's employer would deduct \$151.48 per month for health insurance. Petitioner's share would be \$60 per month and OVHA would provide premium assistance of \$91.48 per month. Petitioner was asked to complete forms by October 10,

2009. Petitioner request for fair hearing was filed on October 8, 2009.

8. N.W. supervises OVHA's employer sponsored benefits unit. She testified that OVHA looks at whether the employer sponsored health insurance is comparable to CHAP and whether the plan is cost-effective for the state and individual. N.W. testified that the employer's health insurance did not have a deductible as compared to the CHAP deductible of \$250 per year. She testified that the ESIA co-pay is \$15 per visit as compared to the CHAP co-pay of \$10 per visit. She testified that the scope of coverage was similar and that the ESIA was cost-effective for the state and for petitioner as his premium responsibility of \$60 per month is the same under both plans.

9. Petitioner raised concerns about initial payments for ESIA.¹ His employer prospectively deducts coverage. This would occur at the same time he is still billed prospectively for CHAP. Given his income, he is concerned about carrying these costs pending reimbursement by the state.

ORDER

¹ Petitioner was concerned that switching insurance would open his medical information to his employer. N.W. stated that such information is protected by HIPAA.

OVHA's decision is affirmed.

REASONS

The Legislature enacted 33 V.S.A. § 1974(a) that mandates individuals who are eligible for VHAP and who have access to "approved" employer sponsored insurance to enroll in the VHAP-ESIA program. See W.A.M. §§ 5900 and 5911. Under 33 V.S.A. § 1974(c)(4)(A), "approved" ESIA plans are those plans the Department determines to be substantially similar to benefits under VHAP. See W.A.M. § 5924.

The VHAP-ESIA program provides premium assistance and wrap-around services for recipients. VHAP is provided until the recipient is able to enroll in the employer's health insurance. The premium assistance is set up so that the recipient receives payment of the premium assistance at the beginning of the month the premium is due. W.A.M. § 5951.

OVHA has correctly applied the regulations in requiring that petitioner enroll for ESIA. As a result, OVHA's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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